IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

OP.No. 9846 of 1997(V)

PETITIONER:

K.P.MILLY,
HIGH SCHOOL ASSISTANT (MATHS),
VENNERY HIGH SCHOOL, PUNNAYURKULAM, TIRUR EDUCATIONAL DISTRICT, MALAPPURAM.

BY ADV. SRI.S.GOPAKUMARAN NAIR

RESPONDENTS:

1. **THE MANAGER,**
   VENNERY HIGH SCHOOL,PUNNAYURKULAM,
   MALAPPURAM DISTRICT.

2. **THE HEADMISTRESS,**
   VENNERY HIGH SCHOOL, PUNNAYURKULAM,
   MALAPPURAM DISTRICT.

3. **THE DISTRICT EDUCATIONAL OFFICER, TIRUR.**

4. **DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM.**

5. **C.THULASI, HIGH SCHOOL ASSISTANT, VENNERY HIGH SCHOOL, PUNNAYURKULAM, TIRUR EDUCATIONAL DISTRICT, MALAPPURAM DISTRICT.**

6. **K.C.ROSY, HIGH SCHOOL ASSISTANT,**
   VENNERY HIGH SCHOOL, PUNNAYURKULAM, TIRUR EDUCATIONAL DISTRICT, MALAPPURAM DISTRICT.

7. **P.V.JOLLY, HIGH SCHOOL ASSISTANT,**
   VENNERY HIGH SCHOOL, PANNAYURKULAM, TIRUR EDUCATIONAL DISTRICT, MALAPPURAM DISTRICT.

8. **STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.MANOJ

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.9846/1997 V

ORDER ON CMP.NOS.17256, 28447 & 32149/1997 IN
O.P.NO.9846/1997 V

DISMISSED

15/02/2007 SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE ORDER OF APPOINTMENT ON PROBATION NO. K.DIS./B4/6911/93 DTD. 8/12/93.

EXT.P2: COPY OF THE STAFF FIXATION ORDER.

EXT.P3: COPY OF THE ORDER NO.G.O.(MS) NO.37/94/G.EDN. DTD. 16/03/1994.

EXT.P4: COPY OF THE CIRCULAR NO.H2/54419/94 DTD. 10/02/95.

EXT.P5: COPY OF THE LETTER DTD. 13/12/96.

EXT.P6: COPY OF THE LETTER SENT BY THE PETITIONER TO THE D.E.O. DTD. 6/12/96.

EXT.P7: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE GOVERNMENT DTD. 13/12/96.

EXT.P8: COPY OF THE LETTER DTD. 25/06/1998 TO THE DISTRICT EDUCATIONAL OFFICER FROM THE PETITIONER.

EXT.P9: COPY OF THE LETTER SUBMITTED BY THE PETITIONER TO THE DISTRICT EDUCATIONAL OFFICER, TIRUR DTD. 30/06/98.

/TRUE COPY/

Kss

KURIAN JOSEPH, J.

O.P.No.9846 of 1997

Dated 15th February, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayers :-

> (i) "To issue a writ in the nature of mandamus or any other writ, direction or order, directing the respondents not to retrench the petitioner from the Vennery High School as an excess hand in the post of H.S.A.
>
> (ii) To issue a declaration that the petitioner is not an excess hand in the post of H.S.A. in Vennery High Schhol and hence is not liable to be retrenched in view of Exts.P3 and P4."

There is already a direction in C.M.P.No.28447/98 to the District Educational Officer to consider Ext.P8. In case the petitioner has any surviving grievance, it will be open to him to pursue the same in appropriate proceedings.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.9846 of 1997 (V)

J U D G M E N T

Dated 15th February, 2007.